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CS concluded

48.(NEW) The module of Claim 27 wherein the rotary separator member is mounted for rotation about an axis generally transverse to the ticket strip dispensing path.

REMARKS

This is responsive to the Office Action date February 13, 2002 in which claim 7 was merely objected to as being dependent upon a rejected base claim, but indicated to be otherwise allowable. As such, Applicant has amended claim 7 herein solely for the purpose of placing it in independent form by adding the substance of independent claim 35 thereto. As such Applicant respectfully requests allowance of Claim 7.

Claims 27 and 29 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,713,256 issued to Keeny. The rejection alleges that Keeny discloses a module with every structural limitation of the claimed invention. Applicant respectfully traverses the Section 102 rejection of claims 27 and 29 for the following reasons.

Keeny is directed to a direct drive cut-off for cutting corrugated board. In Keeny, the corrugated board is a continuous sheet and a controller advances the sheet between two counter rotating knife blades which cut the moving corrugated board at an appropriate location. "As the knife blades rotate and engage the moving board, the knife blades cut a straight path. FIG. 7 shows the knife blade path. The knife blade path, if the board were not moving, is shown in phantom in FIG. 7." (Col. 1, lines 52-55)

Applicants' invention of Claims 27 and 29 is specifically directed to a separator/drive module for driving and separating tickets from a strip of tickets in which individual tickets are delineated from one another by lines of weakness. Applicants' entire specification is directed to lottery ticket gaming devices, mechanisms and systems, particularly for dispensing lottery tickets from a self-service terminal or the like. Lottery tickets are typically manufactured and printed on relatively stiff paperboard and the individual tickets are connected to adjacent tickets in a strip with lines of perforation or weakness between the adjacent tickets. Supplies of a strip of such tickets are stored in a terminal and the separator/drive module of Claims 27 and 29 is utilized in the terminal for processing, moving and transferring the tickets from the supply area, separating the tickets, and then advancing the tickets from the separation location for dispensing.

The unique problems associated with separating and driving strips of tickets of this type include vagaries and inconsistencies of the specific sizes of the tickets, quality control of the perforations between the adjacent tickets, and the relatively stiff substrate on which the tickets are printed as compared to computer forms or other paper items. Compounding these challenges is the fact that the tickets must be reliably and consistently separated in a self-service terminal without constant attention by an operator. Inaccurate or imprecise separating mechanisms may damage the tickets requiring a refund to the purchaser, a service call, or other costly, troublesome and inconvenient service requirements.

Prior art lottery ticket separation devices often involved cutting the strip of tickets, and this resulted in imprecise separation, cutting the tickets at a location spaced from the perforations and thereby mutilating the ticket and increased the requirements for accurate positioning of the perforation line corresponding to the cutter location. These problems are avoided with Applicant's separator/drive module and specifically the rotary separator member as disclosed in the specification.

The present specification makes clear that the inventors were working on a particular problem of separating and processing strips of lottery tickets in which each individual ticket is separated from the adjacent ticket by a line of weakness or perforations and not on general devices and improvements to cutting devices.

Applicants respectfully assert that the recitation in the preamble of Claim 27 that the separator and drive module is for driving and separating tickets from a strip of tickets in which individual tickets are delineated from one another by lines of weakness is necessary to give meaning to the claim and properly define the invention. As such, this recitation must be considered patentably significant with respect to Claims 27 and 29. *Perkin-Elmer Corp. v. Computervision Corp.*, 221 USPQ 669, 675-676 (Fed. Cir., cert. denied, 469 U.S. 857 (1984)).

With respect to claims 27 and 29, the preamble constitutes a statement of purpose for the separator/drive module and gives "meaning to the claim". This is substantiated by reference to the entire specification which renders a better understanding of what the inventors actually invented and intended to encompass by Claims 27 and 29. The present inventors were clearly working on the solution to a

particular problem of an effective and reliable drive/separator module for lottery tickets connected by perforations and not on general improvements in conventional cutting or processing devices. *Corning Glass Works v. Sumitomo Electronic USA, Inc.*, 9 USPQ 2d 1962, 1966 (Fed. Cir. 1989). Applicant respectfully asserts that the Examiner has not properly considered the preamble of Claims 27 and 29 as a limitation to be considered. The preamble language is necessary and essential to a proper understanding and interpretation of Claims 27 and 29 as disclosed in the entire specification. In this case, the description of the ticket strip upon which the separator/drive module operates must be considered features of Claims 27 and 29 because they give meaning to the claim and properly define the invention. *In Re Paulsen*, 31 USPQ 2d 1671, 1673-74 (Fed. Cir. 1994) citing *Gerber Garment Technology, Inc. v. Lectra Systems, Inc.*, 16 USPQ 2d 1436, 1431 (Fed. Cir. 1990).

As a result, since Keeny fails to disclose, teach or otherwise suggest a strip of individual tickets that are delineated from one another by lines of weakness, Applicants respectfully asserts that Keeny is not a proper anticipatory reference and as such request that the Section 102 rejection be withdrawn.

Claims 27 and 29 were alternatively rejected as being unpatentably obvious over Keeny. Applicant respectfully traverses the Section 103 rejection of Claims 27 and 29 over Keeny for the reasons previously detailed. Applicant hereby reiterates the patentable significance of the recitation of a strip of tickets in which individual tickets are delineated from one another by lines of weakness in the preamble of Claims 27 and 29 as described herein above. Since Keeny fails to disclose, teach or

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otherwise suggest a separator/drive module for driving and separating a strip of such tickets, Claims 27 and 29 are patentably novel and non-obvious over Keeny.

Therefore, Applicant respectfully requests a Notice of Allowance with respect to Claims 27 and 29.

Additionally, Applicant has introduced new claims 41 and 42 directed to a combination comprising: (1) a strip of tickets in which individual tickets are delineated from one another by lines of weakness, and (2) a separator/drive module similar to that described in Claims 27 and 29. In Claims 41 and 42, the strip of tickets is positively recited as a claim element and not included in the preamble. As the Examiner is well aware, anticipation requires that each and every element of the claimed invention be disclosed in the prior art reference and that every feature of the claimed invention must be somewhere disclosed or suggested in the prior art and a proper obvious analysis must include all claim limitations, especially when such elements are missing from the prior art. Applicant respectfully asserts that Keeny fails to disclose, teach or otherwise suggest the ticket strip as claimed in Claims 41 and 42.

Moreover, during the personal interview on this case, the Examiner indicated that favorable consideration would be given to defining the invention of Claim 27 by reciting a controller to hold the tickets during the separation process. As such, Applicant has added new claims 43 and 46 which depend from independent claims 41 and 27, respectively. Claims 43 and 46 each recite a controller to inactivate the drive devices and hold the ticket strip stationery during operation of the rotary separator member. This operation is described on pages 11 and 12 of the specification and the

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control system is described on pages 16 and 17. As such, Applicant respectfully asserts that Claims 43 and 46 are patentable over Keeny which utilizes a cutting operation on a moving corrugated board unlike Applicant's separator member which operates on a stationery strip of tickets.

Further, during the personal interview, the Examiner agreed that defining Applicant's invention as having only one separator would distinguish over the applied prior art of Keeny. As previously stated, Keeny requires two rotary cutters positioned one on top and one on bottom of the moving corrugated paperboard web. The dual rotary cutters cooperate one with another to cut the corrugated board there between. In contrast, Applicant's rotary separator member does not cut the strip of tickets but bursts them along the lines of perforation. As the tickets are held stationery and taut, the helical blade on the separator member rotates to burst the tickets apart along the line of separation. New claims 44 and 27 depend directly from independent Claims 41 and 47 respectively, and recite that the separator drive module has only one rotary separator member to thereby distinguish over Keeny as acknowledged during the personal interview.

Finally, new claims 45 and 48 have been added to further distinguish Applicant's rotary separator member from prior art by describing the orientation of the rotary separator member relative to the ticket strip dispensing path.

Therefore, for all these reasons, Applicant asserts that Claims 27, 29 and 41-48 are distinguishable over Keeny and the other art of record.

Claims 2, 8 and 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,222,624 issued to Burr. The rejection alleges that Burr discloses a terminal with almost every structural limitation of the claimed invention with the exception of a detector means and credit means as claimed. However, the Examiner took Official Notice that such structure is old and well known in the art to provide well known benefits. Applicant respectfully traverses the rejection of Claims 2, 8 and 35. Moreover, Applicant respectfully challenges the Official Notice in the rejection that it is known to provide detector means and credit means as specified in Claim 2, 8 and 35. Therefore, Applicant respectfully demands evidence proving the Official Notice cited in the Office Action.

In this regard, Applicant would like to note the admonition provided by the CCPA on this point:

[T]his court will always construe [the rule permitting judicial notice] narrowly and will regard facts found in such manner with an eye toward narrowing the scope of any conclusions to be drawn therefrom. Assertions of technical facts in areas of esoteric technology must always be supported by citation to some reference work recognized as standard in the pertinent art and the appellant given, in the Patent Office, the opportunity to challenge the correctness of the assertion or the notoriety or repute of the cited reference. Cf. In re Cofer, 53 CCPA 830, 354 F.2d 664, 148 USPQ 268 (1966), In re Borst, 52 CCPA 1398, 345 F.2d 851, 145 USPQ 554 (1965). Allegations concerning specific "knowledge" of the prior art, which might be peculiar to a particular art should also be supported and the appellant similarly given the opportunity to make a challenge. See In re Spormann, 53 CCPA 1375, 363 F.2d 444, 150 USPQ 449 (1966). In re Pardo and Landau, 214 USPQ 673, 677 (CCPA 1982) citing In re Ahlert, 57 CCPA 1023, 1027, 424 F.2d 1088, 1091, 165 USPQ 418, 420-21 (1970).

As discussed during the personal interview, one of the primary features of independent claim 35 and dependent claims 2 and 8 which Applicant considers to be significant is the detector means which is utilized to detect a winning amount displayed on a lottery ticket that was previously dispensed from the terminal. As such, a player may utilize the self-service terminal of Claim 35 to obtain lottery tickets and upon determining that those tickets are winners, reinsert those tickets into the terminal for additional credits and play. The structure and features which allow this form of operation are specifically the detector means and credit means of Claims 2, 8 and 35.

Moreover, during the personal interview, the Examiner stated that favorable consideration would be given to claiming the tickets in combination with the terminal. As such, Applicant has added new Claims 37 - 39 which correspond generally to Claims 2, 8 and 35. New Claims 37 - 39 are directed to a combination comprising: (1) a plurality of different types of game tickets along with (2) a multi-game ticket self-service terminal. Therefore, since the combination of tickets and terminal are claimed in new Claims 37 - 39, Applicant respectfully asserts that such claims should be favorably considered and allowed as indicated during the personal interview.

Additionally, new Claim 40 has been added and is directed to a method of conducting a lottery game in which a winning amount displayed on a previously dispensed ticket from a self-service terminal is detected by the terminal and the number of credits for play on the terminal is increased based upon the winning amount on the previously dispensed ticket. Applicant respectfully asserts that Burr and the other prior art of record does not teach, disclose or otherwise suggest such a method of

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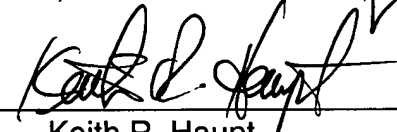
conducting a lottery game or the combination of lottery game tickets and a self-service terminal as recited in new Claims 37-40.

Summary

As a result of the amendments to the claims made herein, and the new claims introduced in this Amendment pursuant to indications of allowable subject matter proffered during the personal interview, Applicant respectfully asserts that Claims 2, 7-8, 27, 29, 35 and 37-48 are patentably novel, non-obvious, and in condition for allowance. As such, Applicant respectfully requests a notification of same at the Examiner's earliest convenience. If the Examiner feels that any matter in this case requires further attention or that specific claims language needs to be clarified to further distinguish over the prior art commensurate with the discussion during the personal interview, he is asked to telephone the undersigned attorney so that the matter may be promptly resolved.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is/are captioned "**Version with markings to show changes made.**"

Respectfully submitted,
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

7. (Thrice Amended) A multi-game ticket self-service terminal comprising:

a housing for storing a plurality of different types of game tickets, said types including lottery tickets stored in strips in which individual tickets are delineated from one another by lines of weakness;

a currency acceptor device mounted in said housing to accept currency and produce a corresponding number of credits;

credit display means in communication with the currency acceptor device and mounted in the housing for displaying the number of credits;

dispensing means for selectively dispensing said tickets according to the number of credits;

detector means for detecting a winning amount displayed on a ticket previously dispensed from the dispensing means; and

credit means for increasing the number of credits corresponding to the winning amount;

[A self-service terminal as in Claim 35] wherein the dispensing means further comprises a separator mechanism for separating tickets from one another before being guided out of said housing, said separator mechanism including at least one rotary dull helical separator member, at least one detector mounted in said housing for detecting the position of said tickets and a drive device mounted in said

housing and coupled to the separator member to selectively rotate said separator member to separate said tickets.

37.(NEW) A combination comprising:

(a) a plurality of different types of game tickets, said types including lottery tickets stored in strips in which individual tickets are delineated from one another by lines of weakness;

(b) a multi-game ticket self-service terminal comprising:

(1) a housing for storing the plurality of different types of game tickets;

(2) a currency acceptor device mounted in said housing to accept currency and produce a corresponding number of credits;

(3) credit display means in communication with the currency acceptor device and mounted in the housing for displaying the number of credits;

(4) dispensing means for selectively dispensing said tickets according to the number of credits;

(5) detector means for detecting a winning amount displayed on a ticket previously dispensed from the dispensing means; and

(6) credit means for increasing the number of credits corresponding to the winning amount.

38.(NEW) The combination of Claim 37 in which said ticket types include instant-winner pull-tab tickets stored in stacks of separate tickets.

39.(NEW) The combination of Claim 37 in which said dispensing means includes a plurality of dispensing mechanisms, each including a separator/drive module, said module comprising a drive housing, inlet and outlet openings in said drive housing, a rotary separator member rotatably mounted in said housing and positioned to extend across a ticket strip dispensing path for extending across one of said strips when a strip is in a position for dispensing, a first ticket drive device in said drive housing between said inlet opening and said separator member to move said strip to a separation location, and a second ticket drive device mounted adjacent said separator member for moving at least one ticket away from said separator member and through said outlet opening.

40.(NEW) A method of conducting a lottery game comprising the steps of:

- storing a plurality of game tickets in a self-service terminal;
- accepting currency input to the terminal by a user;
- producing a number of credits corresponding to the currency accepted by the terminal;
- displaying the number of credits on the terminal to the user;
- selectively dispensing a number of tickets based upon the number of credits;

accepting a dispensed ticket input to the terminal by the user;
detecting a winning amount displayed on the dispensed ticket, wherein the terminal performs the detecting; and
increasing the number of credits corresponding to the winning amount.

41.(NEW) A combination comprising:

(a) a strip of tickets in which individual tickets are delineated from one another by lines of weakness;
(b) a separator/drive module for driving and separating at least one of the tickets from an adjacent ticket in the strip, the module comprising:

- (1) a housing;
- (2) an inlet opening and an outlet opening in said housing;
- (3) a rotary separator member rotatably mounted in said housing and positioned across a ticket strip dispensing path to span said strip and extend in a direction transverse to said strip when said strip is in position for separation;
- (4) a first ticket drive device in said housing between said inlet opening and said separator member to move said strip to a separation location; and
- (5) a second ticket drive device mounted in said housing for moving at least one ticket away from said separator member and through said outlet opening.

42.(NEW) The combination of Claim 41 in which said separator member has a shaft with a helical projection extending therefrom, and including a drive motor mounted in

said housing and coupled to said shaft to selectively rotate said shaft to separate tickets in said strip.

43.(NEW) The combination of Claim 41 further comprising:

a controller in the housing and operably coupled to the first and second ticket drive devices to inactivate the drive devices and hold the ticket strip stationary during operation of the rotary separator member to separate at least one of the tickets from the strip.

44.(NEW) The combination of Claim 41 wherein the separator/drive module has only one rotary separator member.

45.(NEW) The combination of Claim 41 wherein the rotary separator member is mounted for rotation about an axis generally transverse to the ticket strip dispensing path.

46.(NEW) The module of Claim 27 further comprising:

a controller in the housing and operably coupled to the first and second ticket drive devices to inactivate the drive devices and hold the ticket strip stationary during operation of the rotary separator member to separate at least one of the tickets from the strip.

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47.(NEW) The module of Claim 27 wherein the separator/drive module has only one rotary separator member.

48.(NEW) The module of Claim 27 wherein the rotary separator member is mounted for rotation about an axis generally transverse to the ticket strip dispensing path.